IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14960 of 2004

Between:

B.Veera Reddy S/o. Pedda Reddy
Kandlagudur Village, Peddavadugur Mandal Ananthapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur (Civil supplies)
Anantapur District.
2 The Revenue Department Officer, Anantapur Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings ie. Rc.No.D1/CS/844/2004 dt.2.8.2004 passed by the 2nd respondent is arbitrary illegal and violation of Andhra Pradesh Public Distribution System (Control) order -2001 consequently direct the respondents to restore the authorisation of petitioner's FP Shop Dealership of Kandladuru Village, Peddavadugur Mandal, Ananthapur District.

Counsel for the Petitioner: MR.KUNCHEAMMAHESWARA RAO

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

Heard both sides.

Petitioner is the authorised dealer in respect of the fair price shop of Kandlagudur Village, Peddavadugur Mandal, Anantapur Distirct. His authorisation has been suspended, pending enquiry into the alleged irregularities in distribution of commodities vide proceedings of the Revenue Divisional Officer, Anantapur, dated 02.08.2004. Before issuing the said proceedings, the petitioner was served with a show cause notice calling upon him to explain the alleged irregularities. Having considered the explanation submitted by the petitioner, the Revenue Divisional Officer recorded his findings and suspended the authorisation pending further enquiry. Against the said order dated 02-08-2004 the petitioner preferred an appeal before the Joint Collector, Anantapur. The Joint Collector having entertained the appeal, by order 17.08.2004 rejected the application for stay filed by the petitioner. Hence, this writ petition.

Learned counsel for the petitioner contends that the order of the first respondent in rejecting the stay without referring to anyone of the contentions raised by the petitioner and without affording any opportunity to the petitioner is arbitrary and illegal.

The order dated 17.08.2004 reads as under:

"Upon perusing thegrounds of appeal, considering the orders of Revenue Divisional Officer, anatapur issued in the refeence 1st read above and also considering the nature of charges framed against the petitioner, the request of the petitioner to grant stay is hereby rejected and the Revenue Divisional Officer, Anantapur is directed to

dispose of the case duly giving ample opportunity to the petitioner."

On a perusal of the order dated 17.08.2004, I find force in the contention of the learned counsel for the petitioner that the said order amounts to final order in the appeal itself. As rightly contended by the learned Counsel for the petitioner, the 1st respondent, who is the competent authority to decide the Statutory Appeal ought not to have passed such an order without assigning any reasons in support of his conclusion and particularly without considering the question whether the suspension of authorisation pending enquiry is warranted in the facts and circumstances of the case.

In the circumstances, the order dated 17.08.2004 is set aside and the writ petition is disposed of with a direction to the first respondent to consider the application for stay filed by the petitioner afresh and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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24-08-2004

Note: Issue C.C. by two days

B/o

Klp

To

1 The Joint Collector, Anantapur (Civil supplies)
Anantapur District.
2 The Revenue Department Officer, Anantapur Anantapur District.

3 2CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad(OUT)

4 2CD copies